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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,513	08/07/2003	Kevin Reilly	14485	8458
28061	7590	07/29/2005		
			EXAMINER	
			VU, MINDY D	
			ART UNIT	PAPER NUMBER
			2878	
				DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/635,513	REILLY, KEVIN	
<b>Examiner</b>	<b>Art Unit</b>		
Mindy Vu	2878		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 August 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-17 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 8/7/03, 1/12/04, and 4/29/04 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

This Office Action is in response to the Applicant's application filed August 7, 2003.

### ***Specification***

The disclosure is objected to because of the following informalities:

Inconsistent numbering on page 12: "operator 78" (line 4) and "operator 76" (line 8).

"Chamber 83" (page 12 line 8) cannot be found in the drawings.

Appropriate correction is required.

### ***Claim Objections***

Claims 1, 10, and 12 are objected to because of the following informalities:

Claims 1 and 12 contain a period after sections "a" and "b", which do not adhere to proper claim format. The claim should use "(a)" and "(b)" or other notation that does not use a period.

Claim 10 is dependent upon itself. The examiner assumes that the claim is dependent on Claim 9.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-5 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Randolph (5,008,551).

With respect to Claim 1, Randolph teaches an illuminated article (for example Fig. 8) having a base member 30 having an outer surface; and a plurality of luminescent bodies, said luminescent bodies being embedded in said base member for exposure of said plurality of luminescent bodies at said outer surface of said base member (Col. 4 lines 12-17).

With respect to Claims 3 and 4, Randolph teaches said base member comprises a switch plate (Fig. 8) or a number plate (Fig. 4).

With respect to Claim 5, Randolph teaches said plurality of luminescent bodies substantially pervades the mass of said base member (Col. 4 lines 19-22).

With respect to Claim 9, Randolph teaches a layer of adhesive material (Fig. 7 element 27) overlying and connected to a portion of said outer surface of said base member (Fig. 7).

Claims 1-3, and 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Bohrdt (1,385,300).

Bohrdt teaches an illuminating device (Col. 1 lines 10-11) having a base member comprising a lock collar (Fig. 6) or a switch plate (Fig. 3) having an outer surface and a

plurality of luminescent bodies substantially pervades the mass for exposure at outer surface of said base member (Col. 2 lines 86-90).

Claims 12-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Frank (832,543).

With respect to Claim 12, Frank teaches an illumination device for an article (for example Fig. 8), comprising a member fitting at least partially about the surface of the article, said member including a body of luminescent material to generate and emanate light adjacent the article (Col. 2 lines 59-75); and holding means for supporting said member to the article (Col. 2 lines 81-88).

With respect to Claims 13-16, Frank teaches said member comprises a sleeve 10 (Fig. 5) or a sheet (Col. 2 lines 62-64) and holding means comprises an adhesive (Col. 2 lines 81-88).

With respect to Claim 17, Frank teaches the article includes an object possessing a surface and a fastener associated with the object, said member including a cover extending over the fastener and said holding means comprises a projection held by the fastener, said projection further including a flange, said cover possessing an extension capable of engaging said flange. See Figs. 5, 8 and Col. 2 lines 100-110.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bohrdt (1,385,300).

Bohrdt teaches a lock collar (Fig. 6) and a switch plate (Fig. 3) but does not explicitly state the base member comprises a lock collar and a switch plate. However, Bohrdt stated the construction of the base plate of a switch button, lock plate, or any similar object, which it is associated so that one may readily find the object (Col. 1 lines 18-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include a switch plate with a lock collar for the purpose of finding different objects in the dark.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bohrdt (1,385,300) in view of Randolph (5,008,551).

Bohrdt teaches an illuminating device for switches and various other objects the location of which is at times required to be found in the dark but does not explicitly state the article comprises a number plate. Randolph teaches an illuminated article comprises a self-luminescent house address numeral (Col. 2 lines 17-19). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include a number plate as one of the illuminated article for the purpose of finding different objects in the dark.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Randolph (5,008,551) in view of Suzuki (4,717,709).

Randolph teaches an adhesive layer but does not explicitly state that there is a releasable material fastened to the adhesive layer. However, Suzuki teaches a conventional use of a releasable backing material attached to the adhesive layer (see column 2, lines 52-59). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to included the backing layer so that the illuminated article can be placed in a desired location with greater ease. By not having the backing, the article could stick to various surfaces before it is adhered to the desired surface.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Randolph (5,008,551) in view of Neuman (6,076,696).

Randolph teaches an illuminated article but does not specify the use of a magnetic material connected to the base member. However, it is well known in the art to use magnetic materials to temporarily adhere items to metallic objects, as demonstrated by Neuman (Fig. 1 element 5). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include a magnetic material if it were desired to adhere the illuminated article to a metallic object without the use of an adhesive.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mindy Vu whose telephone number is 571-272-8539. The examiner can normally be reached on M-F 9am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Porta can be reached on 571-272-2444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mv



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